

## SEVENTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES

First Regular Session

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SENATE P. S. R. No. 302

## Introduced by Senator Aquilino "Koko" Pimentel III

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON FOREIGN RELATIONS TO INVESTIGATE, IN AID OF LEGISLATION, THE STATUS OF THE MANILA ECONOMIC AND CULTURAL OFFICE, THE COUNTRY'S REPRESENTATIVE OFFICE IN TAIWAN, IN ORDER TO PREVENT POSSIBLE VIOLATIONS OF THE "ONE CHINA POLICY"

WHEREAS, it is the recent policy pronouncement of the Philippine government to reestablish strong political and economic ties with the People's Republic of China (China) and in the recent state visit to China, President Rodrigo R. Duterte was successful in fostering friendship and mutual respect between the two countries which resulted in bilateral communication and negotiations regarding key issues;

WHEREAS, under this period of friendship and cooperation, China and the Philippines should endeavor to maintain the peace and respect including avoiding tensions and issues that may endanger such relationship;

WHEREAS, one of the main parameters of the diplomatic relationship between China and the Philippines is the adherence to the "One China Policy" as a consequence of the Philippines and China expressing mutual recognition thru the Joint Communiqué of the Government of the Republic of the Philippines and the Government of the People's Republic of China wherein the Philippines categorically stated that:

"The Philippine Government recognizes the Government of the People's Republic of China as the sole legal government of China, fully understands and respects the position of the Chinese Government that there is but one China and that Taiwan is an integral part of Chinese territory, and decides to remove all its official representations from Taiwan within one month from the date of signature of this communiqué;"

WHEREAS, the Philippines respects the person to person relationship with the inhabitants of Taiwan and private presence is maintained through the Manila Economic and Cultural Office (MECO), a private corporation representing the Philippines;

WHEREAS, there have been reports that recent actuations of the "new management" of MECO may prove to be in violation of the "One China Policy." Allegedly, MECO has began treating its regular employees as mere political appointees of government who are coterminus with the former administration, with some of them reportedly forced to resign or retire to give the "new management" a free hand to appoint their own people;

WHEREAS, MECO was declared by the Supreme Court in the case of *Funa vs. Manila Economic and Cultural Office*, G. R. No. 193462, February 4, 2014, as a non-governmental entity. Thus, MECO's regular employees should enjoy security of tenure in accordance with the Constitution and existing labor laws and should not be removed for the reason of giving the "new management" the right to appoint people in accordance with wishes of the Philippine government or its political appointees;

WHEREAS, the method of constituting its Board of Directors and appointment of its officers and employees in accordance with the "control and supervision" of the Executive Department of the Philippine government or by its political appointees may result in removing the status of MECO as a private corporation and it may be considered a government-controlled entity performing diplomatic functions in Taiwan, which is a complete violation of the "One China Policy;"

WHEREAS, there is a need to review the consular functions being performed by MECO as a "private corporation" by virtue of mere executive order of the President in order to determine its legality and its implication to the "One China Policy;" and

WHEREAS, in order to avoid tensions between China, Philippines, and Taiwan, it is imperative and necessary to conduct an inquiry on the status of MECO and if found necessary, to enact legislation to avoid any serious diplomatic issues and problems concerning the "One China Policy;"

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to direct the Senate Committee on Foreign Relations to investigate, in aid of legislation, the following:

- 1. The legal basis of the existence of MECO and its authority to perform diplomatic and consular functions;
- 2. MECO's substantive and procedural systems in the election of the members of its Board of Directors;
  - 3. The Philippine government's actual and real role in the appointment of "political appointees" who will serve as Chairman, Resident Representative of MECO, and other officers including historical facts related to the appointment of such officers;
  - 4. The status of regular employees in MECO and the method of hiring and firing, including the issues of whether they are treated as mere government appointees that serve at the pleasure of the Philippine government; and
  - 5. All other systems and procedures being practiced in MECO that may be in violation of the "One China Policy;"
- with the end view of possibly instituting legislation that should prevent the Philippine government and its public officers and employees, including MECO, from violating the "One China Policy."

Adopted,

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AQUILINO "KOKO" PIMENTEL III